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     Sacramento, CA 94244-2550
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     Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8   **BEFORE THE**
                BOARD OF REGISTERED NURSING
9   **DEPARTMENT OF CONSUMER AFFAIRS**
                  STATE OF CALIFORNIA
10

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12 | In the Matter of the Statement of Issues Against: | Case No. 2012 - 55

13 | **THEODORE STROUKOFF** | **STATEMENT OF ISSUES**
   | **3380 La Avenida De San Marcos**
14 | **Santa Fe, NM 87507**

15 | Respondent.

16

17   Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18   **PARTIES**

19   1.   Complainant brings this Statement of Issues solely in her official capacity as the

20 Executive Officer of the Board of Registered Nursing ("Board'), Department of Consumer

21 Affairs.

22   2.   On or about June 24, 2010, the Board received an Application for Licensure by

23 Endorsement from Theodore Stroukoff ("Respondent"). On or about June 20, 2010, Respondent

24 certified under penalty of perjury to the truthfulness of all statements, answers, and

25 representations in the application. The Board denied the application on November 4, 2010. On

26 or about December 23, 2010, Respondent appealed the denial of his application.

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JURISDICTION

3. Pursuant to Business and Professions Code ("Code") section 485(b), on or about November 4, 2010, Respondent's application was denied and he was notified of the right to a hearing to appeal the denial.

4. On or about December 23, 2010, Respondent requested a hearing to appeal the denial of his application.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

"(a) Unprofessional conduct.

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

6. Code section 480 states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license."

FIRST CAUSE FOR DENIAL OF APPLICATION

(Out-of-State Discipline)

7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective December 11, 2008, pursuant to a Settlement Agreement and Order, attached hereto as **Exhibit A**, issued by the New Mexico State Board of Nursing in a disciplinary proceeding titled, *In the*

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1 *Matter of Theodore Stroukoff, License No. R64288,* Respondent received a Letter of Reprimand

2 and was placed on probation for a period of one (1) year with terms and conditions. The Letter of

3 Reprimand was based on incompetence and unprofessional conduct as follows: 1) Respondent

4 allowed a Certified Nursing Assistant ("C.N.A.") and "another employee" to access the Pyxis

5 machine to withdraw medications; 2) Respondent allowed a C.N.A. to administer an insulin

6 injection to a patient; 3) Respondent allowed a C.N.A. to administer Morphine (IV push) to a

7 patient; and 4) Respondent allowed a C.N.A. to perform a blood glucose finger stick test.

8 ### SECOND CAUSE FOR DENIAL OF APPLICATION

9 **(Committed Acts Which if Done by a Licentiate Constitute Cause for Discipline)**
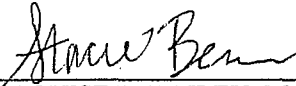
10 ~~8.   Respondent's application is subject to denial under Code section 480(a)(3)(A), in that~~

11 Respondent committed acts which if done by a licentiate of the profession would constitute

12 grounds for suspension or revocation of a license under Code section 2761(a)(1) (unprofessional

13 conduct, incompetence, or gross negligence), as more particularly set forth above in paragraph 7.

14 ### PRAYER

15 **WHEREFORE,** Complainant requests that a hearing be held on the matters herein alleged,

16 and that following the hearing, the Board of Registered Nursing issue a decision:

17   1.   Denying the application of Theodore Stroukoff for a registered nurse license;

18   2.   Taking such other and further action as deemed necessary and proper.
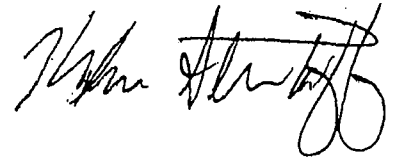
19

20 DATED: 7-25-11

      LOUISE R. BAILEY, M.ED., RN
21 *for* Executive Officer
      Board of Registered Nursing
22   Department of Consumer Affairs
      State of California
23   *Complainant*

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EXHIBIT   A

BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

THEODORE STROUKOFF,
LICENSE NO. R64288,

   Respondent.

SETTLEMENT AGREEMENT

WHEREAS, Respondent wishes to resolve this matter pending before the New

Mexico Board of Nursing ("the Board") without the need for a formal hearing and the

time and expense involved with such a hearing:

IT IS AGREED AS FOLLOWS:

1.   Respondent is licensed by the Board and is subject to the jurisdiction of

the Board.

2.   Respondent enters into this Settlement Agreement voluntarily and waives

the right to a full hearing on the merits as provided for in the Uniform Licensing

Act. NMSA 1978, § 61-1-1 through § 61-1-34.

3.   Respondent agrees to waive any and all time limitations set forth by

statute, particularly the Uniform Licensing Act. in setting a hearing for this case,

if necessary.

4.   This Settlement Agreement is subject to approval by the Board. If the

Board rejects the Settlement Agreement, this matter will be set for a hearing on

the merits at a time, date and place to be determined by the Board.   The

Respondent waives all rights to have this matter heard within the time frame set

by the Uniform Licensing Act in order for the Board to have time to review this

Settlement Agreement and to set a hearing, if necessary. If the Board rejects the Settlement Agreement, the terms of this Settlement Agreement and any statements made in support of the Settlement Agreement by Respondent shall not be used against Respondent at any future hearing.

5.   If the Board accepts this Settlement Agreement, Respondent agrees to the following:

(A) Respondent shall receive a letter of reprimand;

(B) Respondent shall be placed on probation for one year from the date this Settlement Agreement is approved by the Board;

(C) Should Respondent practice nursing during the one year probationary period, quarterly reports from Respondent's supervisor shall be submitted to the Executive Director of the Board of Nursing regarding the Respondent's nursing care, patient safety and professionalism for a period of one year commencing immediately upon Respondent's employment in nursing;

(D) Respondent agrees to attend and successfully complete any continuing education courses as ordered by the Board below within the probationary period. The Executive Director of the Board of Nursing must approve the courses before such courses are taken and Respondent must submit proof of completion of the courses to the Executive Director of the Board once the courses are completed. Any courses completed pursuant to this settlement agreement shall not

count toward Respondent's continuing education requirements for

licensure;

(E) The Respondent shall notify the Board within ten (10) days if there is
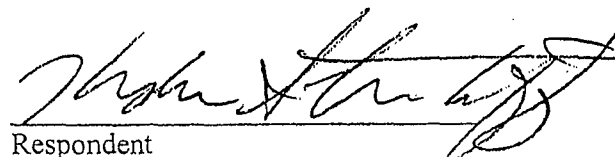
a change in employment or home address;

(F) If the Respondent complies with all the terms of this Agreement, this

matter is concluded and resolved;

(G) If the Respondent does not comply with all of the terms of this

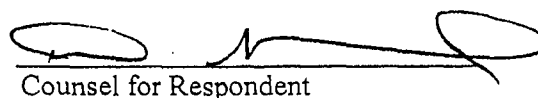Agreement, the Board's executive director may issue an Order to

Show Cause against Respondent. If after hearing the matter, the Board

may issue any sanction against Respondent, including revocation or

suspension of Respondent's license and administrative costs and

fines; and

(H) This Order shall be applicable to applicant's/licensee's multi-state

licensure privilege, if any, to practice professional nursing in the State

of New Mexico. While applicant's/licensee's license is encumbered

by this Order, the applicant/licensee may not work outside the State of

New Mexico pursuant to a multi-state licensure privilege without the

written permission of the State of New Mexico and the Board of

Nursing in the party state where the applicant/licensee wishes to work.

11/6/05
_____
Date

11/6/08
_____
Date

_____
Respondent

_____
Counsel for Respondent

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_____   _____
11-19-08   Prosecuting Attorney
Date

ORDER

This matter comes before the Board upon the Settlement Agreement of the parties and with a quorum present and a majority voting in favor, this Settlement Agreement is:

_____✓_____   Accepted

_____   Rejected

_____   _____
Dec. 11, 2008   Chairperson,
Date   Board of Nursing

CONTINUING EDUCATION COURSES

1. Legal Basics for Professional Nursing: Nurse Practice Acts 1.5 CE
2. Legal Aspects of Delegation 1.2 CE

3.

CERTIFIED MAIL: 7006 3450 0000 5164 4340 - Stroukoff
RETURN RECEIPT REQUESTED

7006 3450 0000 5164 4357 - Sandoval, Attorney

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